¿DE PROTESTA A PROPUESTA?: INDIGENOUS MOVEMENTS AND CONSTITUTIONAL REFORM IN ECUADOR AND BOLIVIA

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There can be no doubt that the last several years have been characterized by an unprecedented level of mobilization at the state level against reigning neoliberal development orthodoxy in South America. This has taken a wide variety of forms, with moderate social-democratic left governments who respect existing institutional frameworks arising in Brazil, Paraguay, Uruguay, Argentina and Chile, and more radical, populist governments taking power in Venezuela, Bolivia, and Ecuador. The leaders of these latter three countries have used their popular mandates to institute greater societal changes, resting their legacies on new constitutions that would restructure the power balance of their society in important ways. Bolivia and Ecuador, the two countries considered by this study, are unique in their paths toward constitutional change, insofar as wide-ranging constitutional reforms have always been an integral demand of their powerful indigenous movements.

One of the core demands for both movements was that of "plurinationality," which served up an ambitious challenge to the Western liberal conceptions of the nation-state upon which the new Latin American democracies rested. The plurinational state would reject the conception of the individual as the sole right-bearing subject and a unitary, non-ethnic conception of national government. A 1994 Confederación de Nacionalidades Indígenas de Ecuador (CONAIE) document defined the plurinational state as:

> …a new political structure: administratively decentralized, culturally heterogeneous, and open to the direct and par-

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> ticipatory representation of all indigenous nationalities and social sectors, particularly those that have been marginalized and excluded from the state structure and dominant socio-economic development models. (Andolina 727)

In practical terms, it would institutionalize indigenous judicial and administrative practices outside of the state, guarantee indigenous participation in state agencies, allow ethnically-designated communities economic autonomy and control over national resources and land distribution, and foster a mixed economy based on the promotion of local markets (729). In contrast to the liberal model of the state, the plurinational ideal would recognize and make official the existence of different juridical and economic models within a single nation-state. Albeit to differing degrees, both Bolivia and Ecuador's new constitutions now declare the countries to be plurinational states.

The rapid delegitimation of existing political institutions and party systems, as well as the history of indigenous organizing, allowed for these two left-wing populist governments to take power and utilize constitutional assemblies as a means of inducing change in their societies. The two cases provide an intriguing contrast in the relative success of indigenous actors in state politics over time. While the Ecuadorian federation CONAIE established itself as the most coherent indigenous organization in Latin America and was the progenitor of the Constitutional Assembly, its political fortunes faded over time. They have come to oppose many of the initiatives of the Correa administration. Their political arm, Pachakutik, has also become increasingly feeble in electoral terms, bringing in only 2.2 percent in the 2006 Ecuadorian elections, in contrast to the 53.7 percent landslide victory of the heavily-indigenous Movimiento al Socialismo (MAS) party in Bolivia in 2005.

How could such a dramatic reversal have occurred? The conclusion of this paper is somewhat surprising: the Bolivian system was initially less open to contestation and the Bolivian indigenous movement was less willing to compromise with state actors than were their Ecuador counterparts, which actually led to a greater

level of long-term success for the Bolivian indigenous movement. When both political systems faced legitimacy crises, the fact that the Bolivian indigenous organizations had consistently stayed outside of the government allowed the Bolivians to credibly claim to represent not only their communities but also all those excluded by the neoliberal program. In contrast, Ecuadorian indigenous organizations had participated as partners in the power structure; thus, when the Ecuadorians faced the reality of acting as minority partners in a democratic party-system that had very little legitimacy among the population, the outsider status that had initially made CONAIE so attractive as an aggregator of social discontent with neoliberalism faded. It gave way instead to a view of the indigenous movement as just another interest group in a corporatist regime seeking to advance its cause at the expense of the rest of the society. Indeed, one can see that the key reason that the fortunes of CONAIE and the Bolivian indigenous movements crossed has a great deal to do with the strategies they pursued regarding electoral politics—both the timing of their entrance into the electoral arena and the manner in which they decided to do so.

As such, Bolivia and Ecuador show that a movement which is defined as being the most compromising or "pragmatic" is not always the most successful. In societies in which the institutions are formally democratic but popularly discredited, the authenticity and "purity" that come from a systematic exclusion from the levers of power often serve as more powerful weapons than does the access to those institutions. The new constitutions produced in the two countries clearly demonstrate how quickly and successfully the Bolivian indigenous movement was able to move from exclusion to consolidated state power relative to the Ecuadorian movement.

ALTERNATIVE HYPOTHESES AND EXISTING LITERATURE

The phenomenon of indigenous mobilization supplanting more traditional forms of agitation based on social class and labor status has been discussed at length by a variety of authors. While poverty and social exclusion among the indigenous population has

been a relative constant across both time and geographic boundaries, the emergence of organizations explicitly making rights-based claims on the basis of their indigenous status is an entirely contemporary phenomenon and one that is not present everywhere. Deborah Yashar, in analyzing why indigenous movements arose in Ecuador and Bolivia but not in ethnically similar Peru, highlights the impact of neoliberal policies that challenged the political foundations necessary for local community autonomy and discusses the importance of having political associational space and transcommunity networks in successful organizing (283). The breakdown of mid-twentieth-century corporatist regimes that sheltered indigenous communities and assimilated them into the nationalist state repoliticized ethnic cleavages and led to a surge of political and cultural activity based on indigenous identities.

The work of Nancy Postero adds a level of complexity to Yashar's analysis, suggesting that, particularly in Bolivia, processes of decentralization and the promotion of "multicultural citizenship" by the neoliberal state itself helped energize the indigenous movement. The fact that indigenous organizations were recognized as legitimate political actors at the municipal level did not change the fact that they remained marginalized from national decision-making and economic power. However, their partial inclusion did encourage the organizations to challenge the system beyond the boundaries of the local politics to which they were confined. They also challenged the limited notions of citizenship opened up by the programs of neoliberal multiculturalism (225). Donna Lee Van Cott expands on the necessity of party system fragmentation or dealignment in addition to a permissive institutional environment, in considering the relative successes of ethnic-based parties. The most successful of these parties, the Ecuadorian Pachakutik and the Bolivian MAS, were also characterized by a willingness to make alliances with non-indigenous actors as part of a broader anti-neoliberal front (224).

The approach developed in this paper builds on the work of the writers who examined institutional change in these countries from the standpoint of indigenous mobilization and is applied to

Bolivia and Ecuador's recently ratified constitutions. However, not all analysts ascribe these constitutional processes to the democratic inadequacies of the liberal model and mobilizations of indigenous actors, and it is important to consider what is perhaps the most popularly held alternate explanation for the relative radicalism of the institutional reform projects in the two states.

This alternate view, supported by Kurt Weyland, argues that the crucial factor is:

> …the natural resource bonanza of recent years and the resulting windfall gains accruing to Venezuela, Ecuador and Bolivia. These rents discredit the neoliberal insistences on constraints, suggest the availability of great opportunities, and thus stimulate radicalism and voluntarist attacks on the established socioeconomic and political order. (5)

According to this view, nations that have not experienced such windfalls have opted for more moderate center-left governments that have not sought to enact wide-spanning constitutional reform projects.

The view of the paper is that this explanation is excessively reductionist and insufficient to justify developments in Bolivia and Ecuador. The demand for a Constitutional Assembly in both countries was raised by movements hostile to neoliberalism since 1990, before any commodity boom, and in both cases, the original call was based not in a desire for nationalization and socialized corporatist economies, but for a recognition of land and territory rights—a demand which is historically far deeper and unrelated to global commodity prices or the discovery of resource deposits.

The nationalist energy policies adopted by the Correa and Morales government are of course influenced greatly by the commodity boom; as Allyson Benton underscores, "all hydrocarbons-producing nations have an incentive to find ways to increase state income from the sector to take advantage of rising earnings to investment ratios, regardless of policy preferences" (2). In periods of low commodity prices, the tendency is to lower state investment

and raise incentives for private investors through permissive tax and royalty regimes, while high commodity prices produce political incentives to increase state control to generate maximum revenues. In this light, rational economic thinking, not unthinking radicalism, promotes state control during such periods and is not necessarily correlated with constitutional reforms.

Furthermore, Weyland claims that "the collapse of party systems in Venezuela, Bolivia, and Ecuador did not precede the rise of radicals and populists—as a true cause would—but coincided with it" (12). He interprets the Bolivian system of "pacted democracy" as a particularly strong system that managed to sustain agreements for market reforms beyond the expectations for the chronically unstable nation. The ability of the political elites to find consensus, however, did not correlate with the social situation in the nation. As Wolff describes, the two nations had a "formally functioning but publicly delegitimized democracy" that promised representation, participation, and equality but instead delivered a policy convergence around an increasingly unpopular neoliberal program (5). Five years before the election of Evo Morales, the national government was unable to handle the massive civil conflict of the Cochabamba "Water War," which was a broad-based anti-privatization struggle that had nothing to do with windfall natural gas profits and everything to do with skyrocketing prices of basic necessities and participants' non-market conception of natural resources. The MAS party had also nearly taken first place in the 2002 elections, running principally on a platform of defense of coca cultivation.

There is also no reason to suggest, as Weyland, does that "people expected the country to turn into a rentier economy and receive enormous revenue streams" (26). Firstly, antipathy to an extractivist economic model in both countries is quite high, particularly in the case of the Amazonian sectors of CONAIE, but also reflected more broadly within the Bolivian indigenous movement. While this conception of natural resources would be the cause for confrontation with the Correa regime in Ecuador, it has to be noted that the impetus for constitutional change did not come from special interests expecting oil-based windfalls; instead, it was made

in terms of indigenous cultural autonomy and territory rights, which constitutes an entirely separate discourse. Considering the Bolivian case further, the pervasive social mobilizations against the privatization of water and for land reforms in the tropical lowlands and indigenous autonomy do not fit into the interpretive schema of demands of a rentier economy. Even as the partial nationalization of the natural gas industry has significantly raised national revenue and decreased foreign direct investment in its natural gas sector, the social programs announced by the Morales administration do not appear to be nearly on the scale of what "enormous revenue streams" would entail.

What both the Correa and Morales administrations have sought is an increase in policy space for the government, counter to the expectations of international financial institutions. Obviously, a resource boom facilitates greater policy experimentation in the economic realm because the governments have more money to work with. However, as of yet, there is little proof that governments have overspent their budgets or promoted inflationary policies, and the states in question have in fact run budgetary surpluses. Overemphasizing the effects of national resource price fluctuations at the expense of political factors relating to particular phenomena of social mobilization and the instability of party systems presents an incomplete depiction of populist governments and constitutional reforms. It is impossible to simply extrapolate the content of these reforms merely from the countries' energy policies, particularly since the principal demands in question were developed and popularly promoted during periods of low commodity prices in the 1990s. This study asserts the importance of indigenous organizing and popular discontent with neoliberal party-systems as the key factors for their emergence.

ECUADOR – FROM UNITY TO DEMOBILIZATION

History of Indigenous Organizing and Political Success in the Ecuadorian Party-System

Within Ecuador in 1990, the newly-formed national indigenous federation CONAIE declared its demand for a Constitutional Assembly in a dramatic ten-day protest labeled the Levantamiento Nacional Indígena. In this mobilization, where the movement paralyzed economic activity in the country, CONAIE called for a new constitution that would recognize Ecuador as a plurinational state, protect and recognize communally-held land titles, and challenge the natural-resource extractivist model that was leading to environmental degradation in areas with indigenous populations.

After seeing their support in the population steadily increase and forming links with progressive non-indigenous organizations in urban areas, the Ecuadorian CONAIE, operating through their political party Pachakutik, decided to enter national politics in 1996. They joined an unstable political system suffering from extreme multi-partyism and very low percentages of support from the population. For a time, they enjoyed great success in this context and were, according to Wolff, "increasingly seen as not only promoting particular indigenous interests and values, but as representing a new force leading an anti-neoliberal and anti-establishment platform" (4).

The confederation's social strength and organizing vitality stemmed from a specific form of politicization that Wolff calls a combination of a "negative macro-political focus with a positive pragmatist stance as to concrete micro-political claims" (3). Embedded in the base territories of indigenous groups, the organization had a mandate not only to conduct politics over issues of national importance but also to show that it could concretely improve the lives of the constituencies it was representing in order to maintain their support. Though at the national level, CONAIE's political power and social credibility came from the rejection of unpopular governments, politicians, political practices, and politics, this defi-

ant stance was compromised by the tantalizing possibilities that concrete government concessions promised. As governments grew increasingly willing to negotiate with the indigenous groups—offering management of development funds, local projects and microenterprises, and limited participation in national administration—conflicts and divisions between different organizations emerged, both inside and outside CONAIE. Maintaining a purely negative macropolitical stance grew untenable, as their increased political power suggested the ability to get some of their immediate claims met.

This led Pachakutik to participate in coalitions as minority partners with other political actors, most prominently with Colonel Lucio Gutiérrez and his Partido Sociedad Patriótica (PSP), which had organized on a nationalist platform opposing neoliberal economic reforms and dollarization. The group participated in the PSP's attempted rebellion against neoliberal president Jamil Mahuad in 2000, in which CONAIE president Antonio Vargas briefly served on a one-day "Triumvirate of National Salvation" with Gutiérrez (Jameson 16). They eventually achieved national power as a partner of PSP after the election of Gutiérrez in 2003.

With this event, indigenous politicians were granted cabinet positions for the first time, with Nina Pacari becoming Foreign Minister and later CONAIE president Luis Macas Minister of Agriculture. Macas was optimistic about the possibilities opened by this move, declaring in the early days of 2003 that "*Ushay* is a Kichwa word that means power, which is to perfect living conditions and the capacity to develop ourselves collectively.… The government can be another instance of continuing to build *ushay*" (17). However, as Miguel Carvajal presents it:

> …[I]n the midst of the triumph of the "new"—of the "military patriots" who played with the reinvention of the *patria* and of the "incorruptible, patient, and unbending Indians—very few people had calculated the torturous path that awaited the government alliance." (5)

In government, the indigenous ministers were able to push some small agenda items, particularly in the field of agriculture, but ultimately fell into the dilemma of what Yashar calls the "Herculean task": in a context in which they did not hold a majority, they were confronted with a choice between "working to deliver on some issues through legislative compromise, logrolling, and coalition-building (potentially seeming to betray some of the ideals of the movement) or maintaining their ideological purity and hence seeming ineffective (because they cannot achieve concrete goals)" (Yashar 303). The synthesis of micro- and macropolitics that made CONAIE an effective organization had begun to unravel, as they went to both extremes during their stint in office.

By March 2003, with these indigenous ministers still in his administration, a supposedly "left-wing nationalist" President Gutiérrez had made a friendly visit to the United States, proclaimed his support for a Free Trade Area of the Americas, signed a letter of intent with the International Monetary Fund (IMF), and formed an alliance with the right-wing Social Christian Party (PSC). The participation of the leadership in a government that was actively supporting the economic status quo against which CONAIE had organized enraged them and led to the resignation or removal of their ministers. By July, the confederation had declared its opposition to the government.

CONAIE emerged from the experience extremely weakened. It was bad enough that it had shown faulty judgment in supporting and collaborating with Gutiérrez who, in addition to reneging on his populist promises, was fast developing a reputation for corruption. It was worse that they had showed themselves to be entirely impotent in changing the direction of his policies from the opposition. To preserve the stability of his power, Gutiérrez successfully fomented division within the indigenous movement, naming former CONAIE president Antonio Vargas the new Minister of Agriculture and obtaining the support of Federación Ecuatoriana de Indígenas Evangélicos (FEINE), a religious federation of indigenous groups separate from CONAIE. In sharp contrast to a 1999 poll that named CONAIE the third most trusted institution in the

country behind only the Church and the military (Yashar 303), a 2003 poll showed that 58 percent of the population has "little or no confidence" in the movement (Lucero 146).

By 2005, the country was up in arms against the Gutiérrez presidency, but CONAIE was notably absent from the demonstrations that would ultimately oust Gutiérrez in April. A weakened CONAIE movement angrily decried the political system in which they had fared so badly. Pachakutik then substantially disassociated itself from progressive urban and *mestizo* elements with which it had formerly worked, and it instead adopted a more ethnocentric discourse.

Even as the organization retreated into greater indigenism, it found itself unable to successfully rally its bases against the "traitorous" government. Buoyed by high oil prices and high levels of remittances from Ecuadorians working abroad, Gutiérrez largely avoided the type of austerity programs that would galvanize indigenous dissent. In addition, he managed to skillfully dispense economic patronage to neglected municipalities in an effort to undermine the support and to mobilize capacity of his former allies. Although the indigenous movement's prior organizing had likely led the government to hold back on its structural adjustment agenda, the lack of such active policies contributed to CONAIE's demobilization and partial cooptation (Wolff 10).

The 2006 elections that propelled Rafael Correa, a dissident finance minister with ties to the anti-Gutiérrez movement, into the presidency were characterized by a confluence of factors favoring a populist movement with a strong anti-systemic critique and credible claims to outsider status. Correa's candidacy catapulted ahead of that of his competitors when he declared that "in order not to legitimate the sewer that is the National Congress," his Alianza PAIS party would not run any legislative candidates and would press all of its hopes on a Constitutional Assembly that would replace the governing functions of a hopelessly corrupt party system. This Assembly would, according to Conaghan, both "cleanse the body politic of its dysfunctional institutions and at the same time mark a definitive break with neoliberalism," thereby reconstituting

the state's central role in the economy (Conaghan 4). Freidenberg argues that Ecuador has always been characterized by extreme institutional fragmentation and extremely low confidence in political parties, which has led to the emergence of outsider candidates. However, Correa's total refusal to negotiate with either existing parties or institutions and a clearly enunciated nationalist program stood in stark contrast with Gutiérrez's electoral cynicism and led to great popular support.

Although we have seen that the idea of a Constitutional Assembly restructuring Ecuador is an idea presented by CONAIE 16 years before Correa's election, the indigenous movement did not form a part of Correa's coalition, preferring to run Macas on a Pachakutik-only line. A year after the landslide victory of the indigenous Morales in Bolivia, CONAIE, supposedly the strongest and most regionally-consolidated indigenous movement in Latin America, achieved its most dismal showing ever, with a sixth place finish of less than three percent. The major surprise of the election was that Gilmer Gutiérrez, brother of the disgraced former president, garnered a third-place finish with 17 percent due to heavy support from the indigenous and rural poor. CONAIE was unable to compel its constituency to vote for its own candidates, many of whom had retained fondness for the Gutiérrez government. The Correa administration did not appoint any indigenous ministers, nor did they list many indigenous collaborators for their Government Plan. Thus, at the very moment in which the neoliberal policies against which they had struggled for decades were being seriously contested, ironically through the means (Constitutional Assembly) that they themselves had demanded, CONAIE was sidelined from the action.

The entire electoral experience of Pachakutik, but particularly their ill-fated flirtation with Gutiérrez, tied the popular perception of the indigenous movement to the old party-system against which Alianza PAIS was railing. Due to the fact that they had negotiated and signed pacts with corrupt political parties and held cabinet-level positions under an extremely unpopular president only several years prior, any kind of anti-systematic position they could take

was incredible to the general population. CONAIE's weakened state would have repercussions in the Constitutional Assembly and the actual text it produced.

Implications for Constitutional Change

In the Constitutional Assembly, according to Jameson, there were important overlaps between the policy initiatives of the Correa administration and the demands of CONAIE, but also significant disjunctures. The targets against which Correa defined himself were also the enemies of CONAIE: multinational financial institutions like the World Bank and the IMF, owners of Ecuadorian sovereign debt, the private sector in control of the oil industry, strong regional economic interests such as those centered in Guayaquil, the national Congress, and free-trade advocates (Jameson 10). However, while Correa's major preoccupation was strengthening the central state in order to obtain more policy space for economic initiatives outside the neoliberal framework, CONAIE attacked the state and called for the devolution of power and resources to indigenous communities and organizations, and for a regime of indigenous autonomy that would transcend the cultural realm and promote economic self-determination.

When CONAIE first entered the Constitutional Assembly, Pachakutik assembly-members allied themselves with Correa and his Acuerdo País representatives. They spoke very highly of the President of the Assembly Alberto Acosta who, "unlike many in the government, came from a tradition of accompaniment of the indigenous movement, of the workers, the ecologists, the feminists, of all the movements that were for an alternative society" (Rhon qtd. in Vogel). Pachakutik Assembly Member Monica Chuji referred to the Correa government in April 2008 as a regime that "seeks to overcome the long night of neoliberalism, seeks to recover the historical demands of all the social sectors of the indigenous, the afros, the peasants, etc." (qtd. in Vogel). The governing coalition declared itself to be in favor of plurinationality, one of the core CONAIE demands, and CONAIE became a strong supporter of

the constitutional process. On March 11, 2008, they organized a demonstration of 25,000 of its members in Quito in support of plurinationality and the assembly and claimed that they served as a much-needed mass base to a Correa administration that had risen to power without institutional connections to social movements.

The honeymoon between CONAIE and Correa would prove to be short, however. Although the constitutional text approved by the Assembly included the juridical concept of plurinationality, CONAIE had been pushing for "prior consent" of communities before any kind of economic exploration of their territories would be legal. This was out of line with Correa's nationalist economic program, which, while critical of multinational corporations, sought to fund government programs with the country's oil wealth, which constitutes 40 percent of the state's revenue.

> Thus, Article 57 of the 2008 Ecuadorian constitution, which details the "collective rights" of indigenous "communities, peoples, and nationalities," includes:
> 4. The conservation of the unproscribable property of their community lands, which will be inalienable, unseizable, and indivisible. These lands will be exempt from the payment of taxes.
> 5. Maintenance of the possession of ancestral lands and territories.
> 6. Participation in the use, usufruct, administration and conservation of the renewable natural resources that are found in their lands.
> 7. A prior consultation, free and informed, within a reasonable time-frame, regarding plans and programs of prospecting, exploitation and commercialization of non-renewable resources that are found in their lands and which could affect them environmentally or culturally…If the consent of the community consulted is not obtained, it will proceed in conformance with the Constitution and the law.

Although this recognizes the validity of indigenous collective landholdings, it calls only for a consultation regarding any kind of ex-

tractive enterprise on indigenous lands, and, by providing for the possibility of resource exploitation in the absence of consent, does not actually require that the state respect the outcomes of this consultation. It also grants the indigenous groups the right to "participation" in the use of their renewable resources, but does not necessary grant them sole dominion over them.

One of their key demands having not been met, CONAIE adopted a position of support for the Constitution mixed with criticism of the government. As Monica Chuji explained in a November 2008 interview, "[in regards to plurinationality] the new constitution, albeit in a limited manner, reflects a lot of the people's aspirations. It is the product of a collective force. [However], I began to see a continuation of the same old line and of the extractivist model. There was no change on this issue" (qtd. in Vogel). By mid-November 2008, CONAIE was back in the opposition, rallying thousands of people across Ecuador in protest of the potentially environmentally disastrous repercussions of a new mining law passed by the Correa administration and of a water law which they claimed could lead to privatization. The mining law increased government control over the sector and put stricter environmental safeguards on operations, but fell short of the total ban on open-cut mining and prior consent that the confederation had been seeking.

The conflict between developmentalism and environmentalism/indigenous protection in the Correa administration is exemplified by the Yasuní-Ishpingo Tambacocha Tipituni (ITT) Initiative. In this encounter, the Ecuadorian government proposed to refrain from oil exploration in an ecologically sensitive area populated by the "voluntarily isolated" Tagaeri and Taromenane peoples in exchange for subsidies from the international community, which would total approximately half the projected revenue of the oil extraction. While environmentalist and indigenous groups initially lauded this Correa initiative, it is now clear that financing such a project—which required an initial international down payment of $350 million—is quite difficult. Despite ongoing talks with the governments of countries such as Germany and Hungary, Correa

declared in February 2009 that "I will not permit that 900 million barrels of oil remain underground, that we become like beggars seated on top of a sack of gold, because the international community is all talk" (Globovision 2009). The president further declared that if the necessary funds were not raised by June, he would either ask Congress or declare a public referendum on the issue of oil exploration in the area, regardless of the desires of the indigenous groups living in the territory.

Issues such as these have led to an increasingly acrimonious war of words between Correa and CONAIE leaders, with the president calling their opposition "infantile" and "fundamentalist" and claiming that it was "absurd to be seated on hundreds of billions of dollars and for romantic notions, novelty, fixations or whatever, to say no to mining" (qtd. in Moore). He accused the movement of having "lost its compass, playing a game with the right-wing sectors which they had historically criticized, and which the current government is combating" (qtd. in "Correa"). In response, while underlining his support for the Constitution, Marion Santi, the new president of the confederation emphasized that the indigenous movement has learned from its experience with Gutiérrez and would make no more alliances with the government (Denvir). It remains to be seen whether CONAIE will be able to mobilize successfully in response to his administration, given the high levels of public support the President enjoys and his striking victory in the constitutional referendum.

BOLIVIA – FROM PROTESTS TO PROPOSALS

History of Indigenous Organizing and Claims-Making

In the Bolivian case, the demand for a constitutional assembly was first made in 1990 by the Central de Pueblos Indígenas del Beni (CPIB), a regional affiliate of the Confederación de Pueblos Indígenas de Bolivia (CIDOB), the major organization of indigenous peoples in the Bolivian lowlands. After failing to protect their ancestral territory against encroachment from both large-

scale agrobusiness and small-scale coca cultivators from the Andean highlands, the group decided to undertake a dramatic 650 kilometer march to the national capital of La Paz in which they presented their demands for land titling before President Jaime Paz Zamora (Yashar 213).

According to Pedro Nuni, the current vice-president of CIDOB, the lowland indigenous movements understood that the current Constitution was inadequate for a permanent resolution of the question of indigenous autonomy and rights to territory, which would require unprecedented new legal norms for land use. The movement called for a plurinational state with collective rights and recognition for all the native peoples of the country (Nuni). Starting with the 2000 conflict over water privatization in the city of Cochabamba and ending with the 2003 mobilizations over natural gas exports that led to the renouncement of President Gonzalo Sánchez de Losada, this call eventually developed a national character and was adopted by a heterogeneous assortment of social movements without an explicitly indigenous character. These mobilizations would form the principal basis for President Evo Morales's MAS political movement, led principally by Quechua-speaking migrant coca farmers from the Chapare region. According to Yashar, this "second-generation movement," which had the participation of many who organized around a Marxist class basis in the mining industry, adopted a more indigenist rhetoric upon seeing the success of the ethnic-based claims of the Andean Katarista movement and of the Amazonian CIDOB (Yashar 18).

The political party system in which such claims developed differed dramatically from that of the radical multi-partyism prevalent in Ecuador. In the 1990s, Bolivia was said to have an extremely (even surprisingly) stable party system known as "pacted democracy," in which power was primarily shared between three parties. These were the Acción Democrática Nacionalista (ADN) of former dictator Hugo Banzer, the Movimiento Nacionalista Revolucionario (MNR) of Gonzalo Sánchez de Losada, architect of Bolivia's 1985 neoliberal reforms, and the Movimiento de la Izquierda Revolucionaria (MIR) of Jaime Paz Zamora, a former dis-

sident against the Banzer dictatorship who had since made amends with the dictator. After the emergence of democracy in the 1980s, it became clear that no political party would come close to winning a majority of the popular vote. Whereas in Ecuador this would lead to a runoff election between the two frontrunners, in Bolivia the President was selected by the Bolivian Congress, leading to coalition governments in which sometimes the second or even third place finisher would assume the presidency.

Pacted democracy was praised by political scientists for encouraging power-sharing between different factions in a democratic consensus and bringing institutional stability to a country known for chaos and conflict. However, that the political parties were able to reach agreements amongst themselves in the Congress turned out to be an illusory stability increasingly out of touch with the social situation in the country. Van Cott adds that the restrictions on entry that pacted democracy generated:

> …sustained a relatively homogenous political class with low levels of ideological and programmatic differentiation, resulting in an increasing emphasis on personalities and personal relationships and a decline in political meaning apart from professional advancement (159).

This led to what Alenda calls an "intrinsic weakness in the governments since 1985, in their incapacity of achieving the consensus for the application of structural reforms or responding to the demands of society maintaining the 'dynamic equilibrium' which is the base of any governability" (9). She justifies this view by pointing to six states of siege declared by various presidents from 1985 to 2000, mostly in response to labor union or miner mobilizations.

By the time of the Banzer administration (1997- 2001), social discontent with the government was obvious. Increasing social instability was evidenced by violent conflicts with the *cocalero* unions in the Chapare and the so-called "Water War" of Cochabamba, in which the government unsuccessfully exercised repression on a wide variety of social movements protesting (successfully) against

the privatization of water in the city. By 2001, poll results suggested that Bolivia was the most critical country in Latin America regarding the exercise of democracy in their country, with many favoring its disappearance and almost half of the population believing that parties were not necessary for democracy (Alenda 10; Madrid 492). While the crucial moment of rupture with this system was yet to arrive, clearly any appearance of political party stability was deeply misleading.

The response of Bolivia's fragmented indigenous movement to this political climate varied widely. The lowland CIDOB became the darling of the international community, marketing itself successfully to international organizations by astutely receiving significant foreign aid and combining their indigenous rights' agenda with an environmental preservation argument for the Amazon. Although it had once made overtures to join with the numerically-larger highland Confederación Sindical Única de Trabajadores Campesinos de Bolivia (CSUTCB) in the 1980s, by the 1990s it was concerned with maintaining an independent stance. As Lucero argues, CIDOB was not only "more 'green' but less 'red'" than the CSUTCB, which persisted in a radical, anti-imperialist posture, did not seek aid abroad, and had very limited cooperation with the government; meanwhile the *cocalero* unions principally functioned as outlaws who were periodically subject to government crackdowns (152). In this environment, the incentives for CIDOB were to maintain a more moderate, accomodationist stance towards the central government.

Reasons for the attitude taken by CIDOB are presented in a sociological encyclopedia of Bolivian social movements written by current Vice President Álvaro García Linera. First, the 1953 land reform undertaken by the MNR revolutionaries affected primarily the western highlands and broke the oligarchic hacienda system of land tenure for the highland Quechua and Aymara. Its provisions were never applied to the lowlands, where the old system of land tenure persisted with fewer changes and lands were sold off in large quantities to foreign immigrants and businessmen. As such, the primary enemy for CIDOB became the local landowning interests

of the lowland provinces, primarily in Santa Cruz and Beni. Given their numerical weakness vis-à-vis non-indigenous inhabitants of the lowlands, they tended to appeal to the central government as a potential ally against these landowners. Their appeals to state power were partially vindicated in responses such as the 1996 passage of the Instituto Nacional de Reforma Agraria (INRA) Law, which was a land reform that sought to regularize and redistribute landholdings in the lowlands and recognize indigenous "Community Lands of Origin" in which they could exercise considerable autonomy (García Linera 245).

Unlike western indigenous groups—which were subject to selective repression by central government authorities during the Barrientos and Banzer dictatorships of the 1960s and 1970s—and the *cocaleros*—who have aggressively been targeted by the Bolivian state's implementation of U.S.-backed coca eradication programs—the lowland indigenous groups do not have a history of violence with representatives of the Bolivian state. Far from the political power of La Paz and in many cases geographically remote, the state neglected both their development and their political incorporation before the mid-twentieth century. Even when the state enacted policies favoring landowners in the tropics, it was always the landowners themselves who were the face of domination in the region, not the central authorities.

CIDOB was thus unique in not adopting an oppositional discourse towards the central government, arguing instead that its role was to help the government resolve problems and enforce its laws, particularly those favorable to indigenous interests. Gains were discursively presented not as conquests, but as examples of a good government pushed to do well and broadening its base of legitimacy (248). In exchange for this attitude, they were rewarded amply: CIDOB president Marcial Fabricano became Vice-Minister of Indigenous Affairs under the second Sánchez de Lozada administration. However, while it "seduced a sector of the political elite and the public ready to entertain a multi-ethnic vision of Bolivian society," CIDOB was not able to garner electoral power (Van Cott 168). Its attempts to run indigenous candidates led to returns of

less than four percent and a failure to elect a single representative.

The accomodationist perspective in the western highlands was represented by the Kataristas, led by the Movimiento Revolucionario Tupak Katari de Liberación (MRTKL) and former Vice President Victor Hugo Cárdenas. This movement arose in the desire of Aymara intellectuals to work in the interstices of ethnicity and class and was initially heavily tied to the CSUTCB. While the MRTKL created the foundation of the ideological base from which more radical movements such as the MAS would feed, some Kataristas took a turn towards mainstream politics, allying with the MNR in 1993 and gaining the vice presidency after helping the right-wing Sánchez de Losada gain a plurality of the vote. Although on its own the Katarista could not garner much more than two percent of the electorate, they were widely credited with enabling the MNR's victory.

While Cárdenas successfully advocated for various reform measures undertaken during his administration, most notably the Law of Popular Participation and the INRA Land Reform, he did so by participating in an administration that furthered the privatization process with the "capitalization" of public companies, an agenda opposed by much of the indigenous movement at the time. As the government advanced policies opposed by CSUTCB and other groups occupying the political left, Cárdenas was perceived as out of touch with the indigenous masses, serving primarily as a figurehead, and the Kataristas never developed into an autonomous electoral force.

While CIDOB and the Kataristas showed moderate tendencies and maintained a good international image, the pacted democracy was crumbling rapidly. Discontent with the Banzer administration, the success of the anti-privatization forces in the Cochabamba water conflict, coupled with an untimely intervention by the US ambassador, led to a meteoric rise in support for Evo Morales and MAS, which narrowly finished second to Gonzalo Sánchez de Lozada in the 2002 elections with 20.9 percent of the vote. The three main parties of pacted democracy saw their vote-share slip to a mere 40 percent (Alenda 15).

MAS differed dramatically from any other political party. Growing out of the Asamblea Soberana de los Pueblos, a militant confederation of coca growers who were fighting coca eradication, they organized to govern their own municipalities under the decentralization of the Law of Popular Participation. Organizing as a social movement and not as a top-down political party, MAS began to reach out to highland indigenous groups and become a dominant force in the CSUTCB, seeking to aggregate both Quechua and Aymara speakers under the leadership of the half-Quechua, half-Aymara Morales. From the original reference point of coca cultivation, it began to amass a variety of unfulfilled social demands. Unlike other parties, MAS maintained a position of militant opposition, not only refusing to cooperate with any of the old parties, but also actively blocking the implementation of their policies and seeking to topple the foundations of their legitimacy. They developed characteristics that Raul Madrid calls "ethnopopulist": instead of using exclusionary rhetoric and platforms to mobilize members of a particular ethnic group, they sought to appeal to a variety of marginalized identities.

The total inability of Sánchez de Losada's second administration to govern in 2003 made clear what was developing during Banzer's presidency: the system of pacted democracy was no longer sustainable and was ripe to be wiped away by a movement that could capture mass popular discontent. As the 2003 government took up unpopular tax hikes—mandated by the IMF to decrease Bolivia's deficit—and sought to export natural gas at preferential rates through Chile, the country's historic enemy, this powerful new "ethnopopulist" movement arose around Evo Morales and the MAS.

In February 2003, battles between an elite police unit and the army left several dead in one of the main squares of La Paz. By October 2003, total mayhem emerged in the streets. A broad coalition of social movements led by the more radical elements of the indigenous movements, the CSUTCB of Felipe Quispe and the politicized neighborhood federations of the capital's poor sister-city El Alto, blocked all routes into the city. In the conflict to re-

open the routes, more than 80 people were killed and cities all over Bolivia were shut down as people called for Sánchez de Losada's resignation. Unable to govern the country despite the support of all the old political forces, the president submitted his resignation and fled to the United States.

Thus, between 2003 and 2005, all the elements that were previously viewed as "antiquated" and "obstructionist" rose to prominence in the context of a general discrediting of the existing political regime. At that time, 95 percent of the population believed that democracy had not brought them any economic benefit (Lucero 156). The 2005 election that brought Evo Morales to office was characterized by the absolute collapse and discrediting of the three major parties, with the MIR virtually disappearing, the MNR garnering 6.5 percent of the vote, and the ADN having to reconstitute itself under the new name of Poder Democrático y Social (PODEMOS), which finished with a solid 28.6 percent. MAS, on the other hand, was able to run as the only organized large-scale political force which had not participated in any prior government, and had a solid record of protesting them at every step. To cement its support, MAS was careful to maintain an inclusive ethnic rhetoric, complementing the indigenous Morales with a non-indigenous vice presidential nominee and speaking in traditionally populist terms as they made anti-establishment claims, promised to use the national state for redistributive and interventionist aims, and relied on the significant personal appeal of Morales (Madrid 491). In such a way, they were able to garner the support of 71.1 percent of self-identified indigenous and 63.6 percent of self-identified *mestizos* who spoke an indigenous language, along with sizable minorities of the white middle classes. Ironically, it was the very systematic exclusion of these more radical movements from decision-making in the past that led to their credibility and popularity in 2005. As in Ecuador, a Constitutional Assembly was to be MAS' aim as well. However in Bolivia, the indigenous movement would be the guiding motor for its realization.

Implications for Constitutional Reform

Historical divisions between lowland and highland Bolivian indigenous groups notwithstanding, most major organizations in the country expressed support for and campaigned for the constitution. Both rhetorically and juridically, the indigenous rights language in the Bolivian constitutional project is far stronger than in its Ecuadorian counterpart. The prologue of the Bolivian constitution offers a striking indigenist paean to Bolivia's multicultural and indigenous composition and the popular struggles of the last several decades:

> The Bolivian people, of plural composition, from the depths of history, inspired in the struggles of the past, in the indigenous anticolonial uprising, in independence, in the popular liberation struggles, in the indigenous, social and unionist marches, in the water wars and those of October [about gas], in the struggles for land and territory, and with the memory of our martyrs, construct a new State….
>
> We leave behind the colonial, republican, neoliberal State. We assume the historical challenge of collectively constructing a Social Unitary State of Plurinational Communitarian Law, which integrates and articulates the purposes of advancing towards a democratic, productive, and peacefully inspired Bolivia, committed with the development and free determination of its peoples.

This prologue is consonant with MAS's ethnopopulist rhetoric, which is simultaneously indigenist and inclusionary. It celebrates the indigenous majority in historically unprecedented ways while inviting non-indigenous populations to participate in the construction of the new state and refraining from claims that the indigenous experience represents the totality of the Bolivian experience.

The current Bolivian vice president, Álvaro García Linera, was one of the key ideological architects of the constitution and the

concept of plurinationality. He maintained that the prior Bolivian model, based on principles of Western liberalism, was a monocultural, Spanish-speaking, non-indigenous state that had been superimposed on a plurinational society. While it made claims to universality and equal representation, it could not help but reinforce an exclusionary and racist society, for the supposedly "universal" institutions and values which existed at the national level were in fact all Western in origin. Furthermore, he maintained, such a state represented only those who were integrated into the modern, capitalist mercantile sectors of the economy, leading to a "disencounter between state life and the socioeconomic composition of the country" and a state that was "permanently under suspicion" and thus weak (Garcia Linera 55). Thus, transforming a multilingual, multicivilizational institutionality into a stronger state-form would require "demonopolizing the ethnicity of the state, permitting dominanted and excluded ethnicities to share in the structures of social recognition and political power" (66). Such a state would be consonant and organic with its actual social composition.

In terms of content, the Bolivian Constitution goes far beyond any other national precedent in inscribing indigenous rights. Article 5 declares not only Quechua and Aymara but also 36 other indigenous languages to be official alongside Spanish, and mandates that the "plurinational Government" and departmental governments use at least two official languages: Spanish and the indigenous language most appropriate for the community they are working with. Indigenous nations are recognized as viable collective entities regardless of existing municipal or departmental boundaries and are accorded a great degree of autonomy.

The chapter on "Indigenous Peasant Originator Autonomy" outlines this autonomous regime. Article 289 states that "Indigenous-peasant-originator autonomy consists in self-government as an exercise of the free determination of the nations and indigenous peoples, whose population has their own territory, culture, history, languages, and organization or legal, political, social and economic institutions." In addition to guarantees of community justice norms and cultural development, one of the strongest articles that guaran-

tees their rights to territory is Article 403:

> The integrity of indigenous territory is recognized, which includes the right to the land, to the exclusive use of renewable natural resources in the conditions determined by the law, to a prior and informed consultation and the participation in the benefits resulting from the exploitation of non-renewable natural resources that are found in their territories; the ability to apply their own norms, administrated by their structures of representation and the definition of their development in accordance with their cultural criteria and principles of harmonious coexistence with nature.

The principal difference between this and the Ecuadorian model is that here, communities would have the exclusive right to any renewable natural resources on their land and not merely the right to "participation." However, in regards to non-renewable resources, principally hydrocarbons and natural gas, the state is still the main actor, as other articles of the Constitution mandate that hydrocarbons are the "inalienable property of the Bolivian people" and prohibit any private entities, domestic or foreign, from acquiring them as property.

There are several reasons why the Bolivian indigenous movement accepted state ownership of natural resources while the Ecuadorians opposed it. A degree of a highland, Quechua-Aymara bias exists in MAS, while most of the hydrocarbons in question are located in the lowlands, where the indigenous groups were organized with CIDOB. However, the lowland groups, while not directly articulated via MAS, also supported the new constitutional draft because it implied a generous recognition of their territorial jurisdictions and extended rights over other resources in their territory.

CONCLUSIONS

This study has demonstrated that, despite the strength and unity of the Ecuadorian indigenous movement in the 1990s vis-à-

vis its Bolivian counterpart, CONAIE suffered a diminished political capacity in the constitution produced by the Ecuadorian Constitutional Assembly as compared to that of Bolivia. The strongest movements in Bolivia now exercising state power are those that were systematically excluded from the political system in the 1990s. During that time they were believed to have an unreasonably conflictive and antiquated position marked by low levels of international support, with the dominant *cocalero* faction of the Bolivian government even labeled as "terrorists" and "drug traffickers." In Ecuador, however, the CONAIE party lost its political clout in the Constitutional Assembly due to its previously pragmatic stance. This outcome challenges typical assumptions that movements that are more compromising will achieve greater electoral and political success. It is precisely those movements that decided to enter their respective political realms during the neoliberal period, CONAIE/Pachakutik in Ecuador and CIDOB/the Kataristas in Bolivia, that find themselves in a significantly weakened position today. When the Bolivian state and international development organizations picked the indigenous actors with whom they wanted to work, they unwittingly empowered the "radical" movements that had emerged during the "water" and "gas" wars to become the dominant and almost politically hegemonic force in the country. An examination of the increasing politicization of social conflicts by these movements makes clear that in times of rapid systemic delegitimation, radicalism wins credibility.

Pachakutik misinterpreted the Gutiérrez candidacy as the "populist moment" it had been waiting for and, because of that, was too quick to form an alliance with a candidate who did not seriously strive to transform the political system consonant with its demands. The party did not have a correct reading of the political situation and its policies did not reflect the complete lack of legitimacy with which the Ecuadorian population considered their national government. This led to a loss of credibility,and it weakened and divided Pachakutik just at the time that the party's political project could have come to fruition; Correa capitalized on Pachakutik's demands and ran an anti-systemic campaign at precisely the

time when Pachajutik could have won. While it can still continue to protest Correa's ideas on resource extraction, and there is some evidence of increased mobilizational capacity in recent months, it is doubtful that Pachakutik has anything to gain from an oppositional stance towards a stable left-populist government. There are numerous reasons why MAS was able to maintain a longer-standing and more credible oppositional stance towards the Bolivian government than did Pachakutik in Ecuador. The first was the intransigence of the Banzer and Sánchez de Losada governments regarding the issue of coca eradication. The willingness of the state apparatus to use repression instead of negotiation against mostly nonviolent farmers led to both an impossibility of compromise and a vindication of their purely negative position. In addition to this seemingly irreconcilable conflict, the second Sánchez de Losada government also refused to negotiate with the demands of the increasingly powerful social movements, believing that it could push through its unpopular gas export plan through aggressive police action. The Bolivian state, despite the supposed political consensus of its pacted democracy, did not prove skillful at the divide and conquer tactics that successfully demobilized CONAIE. Instead, it minimized any chance of cooptation and virtually guaranteed indigenous unity, as groups like CIDOB that did not actively participate in the opposition were forced either to change their position or to become politically irrelevant. In an atmosphere of continued repression, the pressures to pursue a micropolitical project and compromise with the existing system in exchange for economic assistance were far less than in Ecuador. In Bolivia, the bases of the movements were more likely to accept an unambiguously "negative" program when the government was pursuing the destruction of their economic livelihoods and continuing repression.

These findings also suggest that class-based movements have not entirely surrendered the mantle to those organizing on the basis of indigeneity. The most successful movements were syncretistic, mixing ethnic and traditional leftist class appeal. Stemming from the strong presence of communists in the Bolivian miners' movement, the Marxist influence on the discourse of the *cocalero* or

CSUTCB leaders was key to integrating many of those who were discontented with neoliberal reforms. Inclusionary populist movements with urban support like the MAS have successfully institutionalized indigenous demands, whereas movements with a solely ethnic identification have floundered. The story in these two Latin American cases is not as simple as the triumph of identity politics over social class frequently assumed to have taken place in the turn to the postmodern. While the traditional left may have needed to adopt the discourse of indigenous rights to remain relevant in the Andes, the indigenous groups have had to borrow quite a bit from the traditional left to be successful.

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